

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

Excentus Corporation,

Plaintiff,

v.

QuikTrip Corporation et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 12-CV-523-BP

JOINT STIPULATION OF DISMISSAL

It is stipulated by Plaintiff Excentus Corporation (“Excentus”) and Defendants McKeever Enterprises, Inc., Bresette Foods, Inc., Four B Corp. d/b/a Ball’s Food Stores, Queen Enterprises, L.L.C., Cosentino Enterprises, Inc., Cosentino Group, Inc., Cypaul Foods, LLC, Mid Am Food Enterprises, Inc., Queen-Morris Ventures, PCEKC, LLC (collectively, “Price Chopper Grocers”), QuikTrip Corporation, and Midax, Inc. (collectively, “Defendants”) that they have agreed to a settlement in this case in accordance with the terms set forth in the Settlement and License Agreement between the parties.

All of Excentus’ claims against the Defendants asserted in this litigation are hereby dismissed with prejudice consistent with the terms of the Settlement and License Agreement between Excentus and the Defendants.

All of the Defendants’ claims against Excentus asserted in this litigation are hereby dismissed without prejudice consistent with the terms of the Settlement and License Agreement between Excentus and the Defendants.

The parties expressly stipulate that they are subject to the jurisdiction of this Court and that venue is proper in this District for any action commenced to enforce the terms and conditions of the Settlement and License Agreement between the parties.

Each party will be responsible for paying its own costs and expenses, including attorneys' fees, incurred by it in connection with this case.

FULBRIGHT & JAWORSKI LLP

s/ Brett C. Govett
Brett C. Govett
Attorneys for Excentus Corporation

POLSINELLI PC

s/ Jay E. Heidrick
Jay E. Heidrick
Attorneys for Price Chopper Grocers and
QuikTrip Corporation

GREENSFELDER, HEMKER & GALE, P.C.

s/ Mary Ann L. Wymore
Mary Ann L. Wymore
Attorneys for Midax. Inc.

CERTIFICATE OF SERVICE

I certify on the 9th day of September 2014, the foregoing was filed electronically with the United States District Court, Western District of Missouri, which sent notification of same, to all attorneys of record.

s/ Brett C. Govett
Brett C. Govett